

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RUBEN ESCANO,

Plaintiff,

v.

RCI, LLC, *et al.*,

Defendants.

Case No. 2:22-cv-00360-DHU-GJF

**PLAINTIFF'S MOTION TO TAKE REMOTE
TESTIMONY OF INTERVENOR RYAN MORETTINI AT TRIAL**

In accordance with Fed. R. Civ. P. 43(a) and 45(d)(3)(ii), Plaintiff Ruben Escano, undersigned, hereby respectfully requests leave to take testimony of Intervenor Ryan Morettini (“Morettini”) remotely, at trial.¹

As explained more fully in Morettini’s *Motion to Quash Subpoena to Appear and Testify at Trial*, filed March 22, 2024 as Document 205; and Plaintiff’s response thereto, filed contemporaneously, Morettini resides more than 100 miles from the trial location. Therefore, in accordance with Rule 43(a), Plaintiff requests leave to take Morettini’s testimony remotely, at trial. Morettini has relevant information as to the investigation Defendant RCI, LLC conducted into Plaintiff’s claims, and Morettini’s involvement in the instant case was revealed only after the close of discovery.

“[W]hen an order under Rule 43(a) authorizes testimony from a remote location, the witness can be commanded to testify from any place described in Rule 45(c)(1).” *Orbital Eng’g,*

¹ Plaintiff inquired if this motion is opposed, and it is opposed.

Inc. v. Buchko, Civil Action 2:20-593, at *4 (W.D. Pa. Jan. 19, 2022) (quoting Advisory Committee Notes to the 2013 amendments to Rule 45).

WHEREFORE, Plaintiff respectfully requests leave to take testimony of Morettini remotely, at trial.

Dated this 8th day of April, 2024.

Respectfully submitted,

/s/ Ruben J. Escano

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IT IS HEREBY CERTIFIED that on this 8th day of April, 2024, the foregoing was filed electronically through the CM/ECF system, causing all parties or counsel of record to be served by electronic means, as more fully reflected in the Notice of Electronic Filing.

By: /s/ Ruben J. Escano
Ruben J. Escano, pro se